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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/698,278	10/30/2000	Daniel R. Leger	H0001242	4387

128 7590 10/07/2004

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EXAMINER

TRAN, DALENA

ART UNIT	PAPER NUMBER
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3661

DATE MAILED: 10/07/2004

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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 09/698,278  
Filing Date: October 30, 2000  
Appellant(s): LEGER ET AL.

MAILED  
OCT 07 2004  
GROUP 3600

\_\_\_\_\_  
Scott D. Malpede  
For Appellant

**EXAMINER'S ANSWER**



UNITED STATES DEPARTMENT OF COMMERCE

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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09/698,278

EXAMINER
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ART UNIT	PAPER
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20041004

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

This is in response to the appeal brief filed 7/21/2004.

**(1) *Real Party in Interest***

A statement identifying the real party in interest is contained in the brief.

**(2) *Related Appeals and Interferences***

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

**(3) *Status of Claims***

The statement of the status of the claims contained in the brief is correct.

**(4) *Status of Amendments After Final***

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) *Summary of Invention***

The summary of invention contained in the brief is correct.

**(6) *Issues***

The appellant's statement of the issues in the brief is correct.

**(7) Grouping of Claims**

The appellant's statement of grouping of claims is correct.

**(8) Claims Appealed**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(9) Prior Art of Record**

<b>6,313,759</b>	<b><i>Musland- Sipper</i></b>	<b><i>11-2001</i></b>
<b>5,999,882</b>	<b><i>Simpson</i></b>	<b><i>12-1999</i></b>
<b>6,014,606</b>	<b><i>Tu</i></b>	<b><i>1-2000</i></b>
<b>6,043,756</b>	<b><i>Bateman et al.</i></b>	<b><i>3-2000</i></b>
<b>5,757,322</b>	<b><i>Ray et al.</i></b>	<b><i>5-1998</i></b>

**(10) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1,3,5, and 8 are rejected under 35 U.S.C. 103. This rejection is set forth in a prior Office Action, mailed on December 18, 2003.

Claims 6 and 7 are rejected under 35 U.S.C. 103. This rejection is set forth in a prior Office Action, mailed on December 18, 2003.

Claims 9-39 are rejected under 35 U.S.C. 103. This rejection is set forth in a prior Office Action, mailed on December 18, 2003.

**(11) *Response to Argument***

The rejection of independent claims 1 and 8 rely of the prior art of Musland-Sipper (6,313,759) and Simpson et al. (5,999,882). Musland-Sipper disclose a system for communicating between an aircraft and a ground control station. A communications module is provided onboard the aircraft. The module electronically communicates with the ground control station and includes an input interface the permits an operator to interact with the module and communicate with the ground control station. Simpson et al. disclose a system of providing weather information along a travel route.

In the graphical interface disclose in Musland-Sipper, column 4, lines 24-27, a “REQ WEATHER DEV” allow the operator to request for a weather deviation up to a specified distance and in a given direction. Appellant argues that the request in Musland-Sipper “is not a request for specific information a recited in Applicant’s claimed invention, as it lacks any details regarding the requested weather deviation”. While it is agreed that the reference provides little detail, the word “information” as claimed is a very broad term that basically encompasses all data to be read by a person. This definition of “information” would include the “deviation” of the Musland-Sipper. Also, the level of skill in the art is illustrated by the lack of details in Musland-Sipper. That is, it is clear that the level of skill in the art is quite high and therefore little is needed to suggest that information regarding weather is displayed in response to the “REQ WEATHER DEV” request.

The rejection of claims 6 and 7 rely of the prior art of Musland-Sipper (6,313,759) and Ray et al. (5,757,322). Claim 6 recites that the graphical user interface includes a user selectable

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option that allows the user to request specific weather information for transmission from the ground based source to the aircraft same as claim 1 above. Appellant's arguments concentrate on Musland-Sipper "is not read to allow an operator to request for specific weather information". In Musland-Sipper, column 4, lines 17-34, the REPORTS / REQUESTS menu 70, is a graphical user interface allow the operator to request for information such as weather deviation. As discuss as above, column 4, lines 24-27, a "REQ WEATHER DEV" allow the operator to request for a weather deviation up to a specified distance and in a given direction, the word "information" as claimed is a very broad term that basically encompasses all data to be read by a person. This definition of "information" would include the "deviation" of the Musland-Sipper. Therefore, Musland-Sipper is read to allow an operator to request for specific weather information as claim in claim 6.

The rejection of claims 9-39 rely of the prior art of Ray et al. (5,757,322), Simpson et al. (5,999,882), and Bateman et al. (6,043,756). Independent claims 9,14,19,24,28,32, and 35, recites to a method of providing difference types of information: convection information, turbulence information, icing information, weather satellite information, SIGMET information, significant weather prognosis information, and winds aloft information to an aircraft, and all the claims includes the steps of collecting information at a centralized data center, providing a specific request from the aircraft for the information, and transmitting the information from the data center to an aircraft in response to the request. Appellant's arguments that Ray et al disclose "SIGMETS are transmitted automatically to the aircraft in column 5, lines 55-63", and "this is not understood to mean a request from the aircraft, and Ray does not elaborate on where the request initiated". It is agreed that even though SIGMET are transmitted automatically to the

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aircraft when actual weather conditions become worse than those forecast (Ray et al, in column 5, lines 52-55). However, other weather information like thunderstorm are available to an aircraft (column 1, line 65 to column 2, line 2), storms and other disturbance also are transmitted (column 2, lines 9-10), and the weather information service is initiated when the crew of the aircraft requests weather information from the ground weather station (Ray et al. , column 3, lines 30-36). Therefore, Ray et al. disclose the request weather information from the aircraft.

The secondary citations to Simpson et al., and Bateman et al. for teaching of various types of weather information. Appellant's arguments that "neither secondary citations, transmit weather information from a centralized data center in response to a specific request from the aircraft". Simpson et al. disclose in column 3, lines 25-27, a system of providing weather data along a travel route. A travel route may be a flight path. Also, in column 6, lines 21-24, Simpson et al. disclose "the server application may **receive requests** for weather products associated with a travel route or selected location **from the client system**". It is obvious that, in the flight route, the server is a centralized center, and the client is an aircraft. Therefore, Simpson et al. disclose transmit weather information from a centralized data center in response to a specific request from the aircraft. Also, in column 11, lines 10-14, Simpson et al. disclose weather products may include weather data, weather maps, and mapped weather data comprises other types of weather information such as current or forecasted weather patterns (column 11, line 65 to column 12, line 2). Simpson et al., and Bateman et al. references are cited for difference types of weather information can be transmitted to the aircraft. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use difference types of weather information can be transmitted to the aircraft from the ground station in the



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invention of Ray et al. because such modification would make available displaying current specific weather conditions and allows pilots to avoid adverse weather along the flight route.

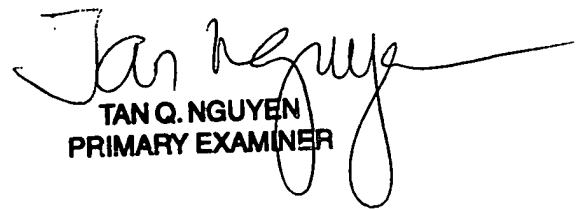
For the above reasons, it is believed that the rejections should be sustained.

Respectfully Submitted

DT  
October 4, 2004

Conferees  
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Yonel Bealieu *YB*

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